



# **CITY COUNCIL/ REDEVELOPMENT AGENCY AGENDA**

**City of Westminster  
Regular Meeting  
February 8, 2006**

Notice is given that this meeting may be conducted simultaneously through teleconferencing at two different locations pursuant to Government Code Section 54953(b)(1). A quorum of the City Council/Redevelopment Agency/Financing Authority will be present at the Civic Center location listed below. Council/Agency Member Russell C. Paris will be present at the second location as follows: 15561 Eden Street, Westminster, California, which shall be accessible to the public.

**6:00 p.m. – Council Conference Room  
7:00 p.m. – Council Chambers**

**8200 Westminster Boulevard  
Westminster, California 92683**

**MARGIE L. RICE  
MAYOR**

**FRANK G. FRY  
Mayor Pro Tem**

**KERMIT MARSH  
Council Member**

**RUSSELL C. PARIS  
Council Member**

**ANDY QUACH  
Council Member**

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

## **GENERAL INFORMATION**

### **MEETINGS**

Regular Meetings of the City Council/Redevelopment Agency are held the first and third Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible. Adjourned Regular Meetings (Study Sessions) are tentatively held on the Monday following the first Wednesday of the month at 6:00 p.m.

### **AGENDA INFORMATION**

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

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### **PUBLIC COMMENTS**

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

**To address the City Council/Redevelopment Agency on any matter**, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

### **AGENDA ON THE INTERNET:**

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

### **TELEVISED MEETING SCHEDULE**

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

# **AGENDA**

February 8, 2006

**6:00 P.M.**

## **CLOSED SESSION**

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY  
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

### **CALL TO ORDER:**

### **ROLL CALL**

PRESENT:

ABSENT:

### **CLOSED SESSION:**

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 14325 Goldenwest Street; Agency Negotiators: City Manager Vangie Schock and Interim Economic Development Manager Ray Silver; Negotiating party: Van Riley; Under Negotiation: Price and Terms of Payment
- 2) Conference with Real Property Negotiators pursuant to Government Code Section 54956.8: Property: 1025 Westminster Mall; Agency Negotiators: City Manager Vangie Schock and Interim Economic Development Manager Ray Silver; Negotiating party: Jeff Meyer; Under Negotiation: Price and Terms of Payment

### **RECESS:**

# **AGENDA**

February 8, 2006

**7:00 P.M.**

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

## **RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING**

**ROLL CALL:** RICE,, FRY, MARSH, PARIS, QUACH

**PRESENT:**

**ABSENT:**

**SALUTE TO FLAG:** Council Member Quach

**INVOCATION:**

## **REPORT OUT OF CLOSED SESSION:**

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

## **SPECIAL PRESENTATIONS:**

A. Presentation from 6<sup>th</sup> Grade Students at DeMille Elementary School

# **AGENDA**

February 8, 2006

## **1. CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

### **APPROVAL OF MINUTES**

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meetings of the City Council/Redevelopment Agency of December 14, 2005, January 11, 2006 and January 25, 2006; and Minutes of the Adjourned Regular Meeting of the City Council/Redevelopment Agency of January 23, 2006. (Marian Contreras)**

RECOMMENDATION: Approve.

### **ROUTINE MATTERS**

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

RECOMMENDATION: Approve.

- 1.3 Agreement with Rutan & Tucker, LLP to Provide Legal Services to the City (Pat Corcoran)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the agreement with Rutan & Tucker, LLP to provide legal services to the City and authorize the City Manager to execute the agreement on behalf of the City; and
- 2) Approve a purchase order in the amount of \$20,000.

- 1.4 Award of Contract for the Sigler Park Splash Pad and Restroom/Filtration Facility (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council approve a contract with David Volz Design for the design of a splash pad and restroom/filtration facility at Sigler Park in the amount of \$86,000, and authorize the City Manager to execute the agreement on behalf of the City.

# **AGENDA**

February 8, 2006

## **1. CONSENT CALENDAR (Continued)**

### **1.5 One year lease of five Harley Davidson Road King FLHPI Police Motorcycles (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to San Diego Harley Davidson in the amount of \$18,000.00 for a one year lease of five Harley Davidson Road King FLHPI police motorcycles.

### **1.6 Purchase of Banquet Facility Tables, Chairs and Carts for the Westminster Rose Center (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize a purchase order to Mity Lite, Incorporated in the amount of \$73,874.87 for the purchase of banquet facility tables, chairs, and carts for the Westminster Rose Center.

### **1.7 Notice of Completion for work performed by Action Awnings, Inc. for Water Vault Roof Replacement at 8210 Jasmine Street (Marwan Youssef)**

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

## **ORDINANCES (SECOND READING)/RESOLUTIONS**

### **1.8 Resolution No. 3972 – A Resolution of the Mayor and City Council of the City of Westminster Approving the Application for Grant Funds for the Per Capita Grant Program, California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Greg Johnson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 3972 and waive further reading.

## **ADMINISTRATIVE ITEMS**

### **1.9 Waiver of Rental Fees/Community Services Building**

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from American Family Housing dba Shelter for the Homeless, for waiver of fees for the use of the Community Services Building (East/West Room) on Friday, March 17, 2006 between the hours of 6 p.m. and 10:00 p.m. for a fundraiser.

# **AGENDA**

February 8, 2006

## **1. CONSENT CALENDAR (Continued)**

### **1.10 Waiver of Rental Fees/Community Services Building**

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from Toastmasters for waiver of fees for the use of the Community Services Building ((A/B Room) on Saturday, March 11, 2006 between the hours of 12:00 noon and 4:00 p.m. for a speech contest.

### **1.11 Waiver of Rental Fees/Community Services Building**

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from Transition Partnership Program and WorkAbility I Program at Westminster High School for waiver of fees for the use of the Community Services Building (East/West Rooms) on Friday, May 26, 2006 between the hours of 8:00 a.m. and 11:00 a.m. for their Annual WorkAbility Recognition Breakfast.

### **1.12 Waiver of Rental Fees/Community Services Building**

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration a request from Westminster Senior Center Foundation for waiver of fees for the use of the Community Services Building (East/West Rooms) on Wednesday, May 17, 2006 between the hours of 9:00 a.m. and 1:00 p.m. for their Senior Expo fundraiser.

## **WARRANT REGISTER**

### **1.13 (City Council/Redevelopment Agency) Warrant Register dated January 18 through 31, 2006 (Paul Espinoza)**

RECOMMENDATION: Approve.

## **INFORMATION AND REPORTS**

### **1.14 2004-05 Redevelopment Agency Annual Report (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council receive and file the 2004-2005 Redevelopment Agency Annual Report

### **1.15 Minutes of the Planning Commission meeting held on January 4, 2006**

RECOMMENDATION: Receive and file.

### **1.16 Minutes of the Westminster Youth Committee meeting held on December 14, 2005**

RECOMMENDATION: Receive and file.

# **AGENDA**

February 8, 2006

## **1. CONSENT CALENDAR (Continued)**

### **1.17 Minutes of the Cultural Arts Commission meeting held on November 3, 2005**

RECOMMENDATION: Receive and file.

### **1.18 Minutes of the Commission on Aging on Aging meeting held on December 12, 2005**

RECOMMENDATION: Receive and file.

### **1.19 Minutes of the Community Services & Recreation Commission meeting held on November 8, 2005**

RECOMMENDATION: Receive and file.

### **1.20 Minutes of the Traffic Commission meeting held on January 3, 2006**

RECOMMENDATION: Receive and file.

## **END OF CONSENT CALENDAR**

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## **2. ORAL COMMUNICATIONS**

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

## **3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW**

### **3.1 The actions of the Planning Commission meeting held on February 1, 2006**

RECOMMENDATION: Staff recommends that the Mayor and City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of February 1, 2006.

- 1) Ordinance amendment to adopt a new formula for calculating credit for parkland dedication or in-lieu fees



# **AGENDA**

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## **4. PUBLIC HEARINGS**

**ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS:** After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

**NOTE:** If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

### **4.1 REVIEW OF CASE NO. 2005-59 (SITE PLAN, DESIGN REVIEW, VARIANCE) 14502 BEACH BOULEVARD; APPLICANT: ENTER-ARC, INC., LANCE BROWN, A.I.A. (Don Anderson)**

Time set for a public hearing to review the Planning Commission's decision to approve development of a 5,535 square foot retail building including variances for setbacks, number of freestanding signs, and pylon sign area. The Municipal Code provides for building setbacks of 26 feet along this segment of Beach Boulevard. The applicant proposes a setback of 10 feet. The Municipal Code provides for a maximum of one freestanding sign per commercial-zoned lot with a street frontage of 101-300 linear feet. The applicant proposes two freestanding signs. The Municipal Code provides for a maximum sign area of 100 square feet per face for pylon signs. The applicant proposes a sign area of 225 square feet per face, and the Planning Commission approved 120 square feet per face, for the proposed pylon sign. After the public hearing held during their regular meeting of January 4, 2006, the Planning Commission approved the site plan, design review, and three variances subject to conditions.

**RECOMMENDATION:** Staff recommends that the Mayor and City Council vacate the prior decision by the Planning Commission (approving the project), and remand it back to the Planning Commission for reconsideration based on the need to prepare an Initial Study.

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February 8, 2006

## **4. PUBLIC HEARINGS (Continued)**

### **4.2 ORDINANCE 2396 – AMENDMENT TO THE CITY’S HOME BUSINESS REGULATIONS (Don Anderson)**

Time set for a public hearing to consider a proposed ordinance pertaining to the City’s Home Business Regulations. The proposed ordinance will eliminate the Home Business Committee and instead require review and action by the Planning Commission for those home businesses that are not permitted administratively. Such applications subject to the Planning Commission’s review and action will also be subject to a filing fee and a public hearing before the Planning Commission. Currently, home businesses that are not allowed administratively and are not prohibited, require the action of the Home Business Committee. The proposed ordinance will also further clarify the list of prohibited and permitted home business uses.

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission recommends that the Mayor and City Council introduce Ordinance 2396 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 17.05 (General Procedures), Chapter 17.60 (Home Businesses) and Chapter 17.08 (R1 Single Family Residence District) of the Westminster Municipal Code, Related to Home Business Permits”, and waive further reading.

## **5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS**

### **5.1 Council/Agency Member Items**

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR**

### **6.1 Fee Waiver Policy for Community Groups/Non-Profit Organizations (continued from the January 11, 2006 meeting) (Greg Johnson)**

**RECOMMENDATION:** Staff recommends that the Mayor and City Council:

- 1) Adopt the proposed policy; and
- 2) Direct staff to review requests for facility fee waivers from local community groups with a track record of service to the community at one Council meeting.

# **AGENDA**

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## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)**

### **6.2 Renewal of Agreement for Federal Legislative Consultant (Tami Piscotty)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the amendment to the agreement with James F. McConnell in the amount of \$72,000 for the period of March 1, 2006 to June 30, 2007, and authorize the City Manager to execute the agreement on behalf of the City; and
- 2) Approve the attached Federal Legislative priorities for Federal Fiscal Year 2007.

### **6.3 Deobligation of Community Development Block Grant (CDBG) Program funds from Fiscal Year 2005 and HOME Programs from Fiscal Years 2002, 2003, 2004, and 2005 (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council authorize the staff to deobligate \$100,000 in CDBG funds that had been allocated to the Asian American Senior Center; and to deobligate HOME Program funds in the amount of \$129,281 allocated to Drug, Alcohol, Recovery Team (DART), \$370,493 allocated to Habitat for Humanity, and \$360,000 allocated to the First Time Homebuyer Program.

### **6.4 Select date and time for a Moran Corridor Workshop to solicit input regarding future uses and zoning (Don Anderson)**

RECOMMENDATION: Staff recommends that the Mayor and City Council schedule the meeting for the Study Session of April 17, 2006.

### **6.5 (City/Agency) Consideration of alternative date for the regular meeting of March 8, 2006**

RECOMMENDATION: Staff recommends that the City Council/Agency Board consider an alternative meeting date for the March 8, 2006 meeting.

### **6.6 Loan Agreement Policy between the Westminster Redevelopment Agency and the Friends of the Abbey Centre, Inc. dba the Rose Center Foundation (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor/Chair and Members of the City Council/Agency Board approve the Loan Agreement Policy between the Westminster Redevelopment Agency and the Rose Center Foundation.

# **AGENDA**

February 8, 2006

## **6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)**

### **6.7 The Westminster Rose Center Capital Replacement Reserve Account Contribution Agreement (Paul Espinoza)**

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 3974 entitled "A Resolution of the Mayor and City Council of the City of Westminster authorizing the Agency's use of tax increment funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center and making certain findings pursuant to Health and Safety Code Section 33445", and waive further reading.

RECOMMENDATION: Staff recommends that the Chair and Agency Board:

- 1) Approve the Rose Center Capital Replacement Reserve Account Contribution Agreement between the City of Westminster and the Westminster Redevelopment Agency; and
- 2) Adopt Resolution No. 177 entitled, "A Resolution of the Westminster Redevelopment Agency approving the Rose Center Capital Replacement Reserve Account Contribution Agreement and the use of public funds for certain work related to the reconstruction and capital repair of the Westminster Rose Center pursuant to Health and Safety Code Section 33445", and waive further reading.

## **7. WRITTEN COMMUNICATIONS (Public) – None**

## **8. LEGISLATIVE ITEMS**

### **8.1 Ordinance No. 2395 – Amending the Westminster Municipal Code Chapter 10.44 Relating to Parking of Non-Motorized Vehicles (Andy Hall)**

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2395 entitled, "An Ordinance of the Mayor and City Council of the City of Westminster amending Title 10, Section 10.44.270 of the Westminster Municipal Code Relating to Parking of Non-Motorized Vehicles", and waive further reading.

# AGENDA

February 8, 2006

## 9. COMMISSION AND COMMITTEE ITEMS

### 9.1 Appointment to Ad Hoc Water Rate Structure Committee (Council Member Paris appointee) (Marian Contreras)

RECOMMENDATION: Staff recommends that the Mayor and City Council take under consideration the appointment of a member to serve on the Ad Hoc Water Rate Structure Committee.

### 10. COUNCIL/AGENCY ADJOURNMENT: To Monday, February 13, 2006 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, California for the purpose of reviewing funding options for the construction of a new police facility and to discuss City/Agency business.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

  
Marian Contreras, City Clerk/Agency Secretary